

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH FLORES,

Plaintiff,

v.

No. CV 13-0838 KG/KBM

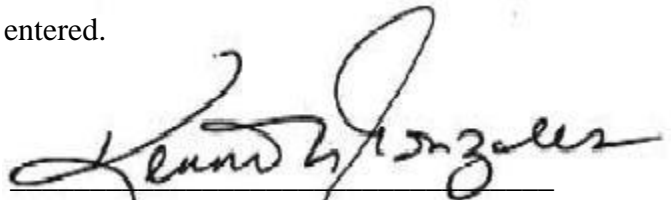
N.M.D.O.C., CLASSIFICATIONS BUREAU, ET AL.,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court on Plaintiff's response (Doc. 6) to an order to cure filing deficiencies (Doc. 4). In the cure order, the Court noted that Plaintiff's "Federal Writ of Habeas Corpus" (Doc. 1) does not challenge the "fact or length of his confinement." *Preiser v. Rodriguez*, 411 U.S. 475, 494 (1973). The Court construed the petition as a civil rights complaint and directed Plaintiff to pay the statutory filing fee or move for leave to proceed under 28 U.S.C. § 1915 ("IFP"). In his response, Plaintiff makes no attempt to comply with the cure order; he simply reasserts the claims and relief sought in the original complaint but does not challenge the "fact or length of his confinement." *Preiser*, 411 U.S. at 494. Because Plaintiff has failed to comply with statutory requirements and a Court order, or to show cause for excusing the failure, *see Baker v. Suthers*, 9 F. App'x 947, 949 (10th Cir. 2001), the Court will dismiss his complaint.

IT IS THEREFORE ORDERED that Plaintiff's "Federal Writ of Habeas Corpus" (Doc. 1), having been construed as a complaint under 42 U.S.C. § 1983, is DISMISSED; pending motions are DENIED as moot; and judgment will be entered.


UNITED STATES DISTRICT JUDGE